

Remarks

Claims 1-42 were pending in the application. Claims 1-7, 17-24, 26-32, and 37-42 were rejected. Claims 8-16, 25, and 33-36 were previously withdrawn. No claims were merely objected to and no claims were allowed. Presently, no claims are added, no claims amended, and no claims are canceled.

Claim Rejections-35 U.S.C. 102

Claims 1-7, 17-21, 23, 24, 26-29, 30-32, and 37-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Street et al. (US6332327). Applicants respectfully traverse the rejection.

Regarding the “control actions for prognostic protection” of independent claims 1, 17, and 24, the Office cited “column 10, lines 39-47 and column 12, lines 30-33”. 1/22/10 Office action, page 3, last line-page 4, line 1. However, these passages do not appear to be prognostic, but rather are immediate shutdown situations. For example, the cited col. 10 paragraph starts off with identifying an immediate shutdown. The cited lines relate to subsequent reporting. The col. 12 passage references that a controller may “make other adjustments in the system and to monitor trends for use in failure prediction.” However, this failure prediction has not been clarified. For example, is the failure prediction something that is being done as a mental step by the technician who retrieves data from the controller? Claims 4, 20, and 29 alternatively identify “potential control actions” which, too, have not been established by the Office. The dependent claims may raise other issues.

At Section 5, regarding claims 6 and 7, the Office cited col. 10, lines 43-44 and col. 8, lines 47-50. The former indicates communication of an alarm via an Internet connection. The latter references a remote interface. These do not cure the deficiencies regarding the rejections of the base claim.

At Section 6, regarding claims 17-21, 23, 39, and 40, the Office asserted inherency. However, this does not cure the deficiencies noted above and merely highlights them. For example, the prognostic protection and associated maintenance signal is not inherent. Street et al. references operation in a non-prognostic mode: shutting down and triggering an alarm. Similarly, the particular control actions of claim 20 have not been identified. The single action of shutdown is clearly disclosed but the remainder are not. Additionally, regarding claims 18, 19, and 20, the particular sensed parameters have not been established as inherent.

At Section 7, regarding claims 24, 26-32, 41, and 42, the Office's assertions suffer the same prognostic/control deficiencies for independent claims 24 and 29 as respectively noted above for claims 17 and 20.

Claim Rejections-35 U.S.C. 103

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Street et al. Applicants respectfully traverse the rejection.

The Office's assertions do not cure the deficiencies of the underlying rejection.

Accordingly, Applicants submit that claims 1-42 are in condition for allowance. Reconsideration and further examination are requested. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

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